

REMARKS

The non-final Office Action of January 12, 2007 has been given careful consideration by the Applicants. Claims 1-23 remain in the application. Reconsideration of the present application is hereby respectfully requested.

The Office Action

The Examiner rejected claims 1, 4-6, 12 and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Parikh et al. (U.S. Patent No. 6,408,177) in view of Welch et al. (U.S. Patent No. 6,510,217). Claims 2, 3, 7-11, 13, 14 and 18-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Parikh in view of Welch, further in view of Cook (U.S. Patent No. 6,889,044). Claim 23, which was added in the Preliminary Amendment dated December 13, 2006, was not referred to in the Examiner's Office Action. The Examiner will appreciate that independent claims 1 and 12 have been amended in order to further clarify the claimed disclosure.

The Cited Art

By way of review, Parikh is a system that manages calls with voice channel conversation. Parikh discloses a system where incoming calls are received by a call management system. Caller information and menu options are provided to this subscriber in text form on a display using a data channel, rather than spoken over a voice channel. Parikh claims that this conserves air time and network resources while providing the subscriber with call handling options in a convenient and user friendly form.

Welch is a system and method for forwarding anonymous and unknown calls. It is submitted that Welch is described in the context of a traditional wireline network. Welch uses a call forwarder that receives call signaling messages from a calling party office. The call forwarder determines whether the call identified by the call signaling message is anonymous or unknown. In response to determining whether the call is anonymous is unknown, the call forwarder determines whether the call party has an anonymous call forwarding feature. In response to determining whether the call party has an a call forwarding feature, the call forwarder forwards the call to a voice mail system.

Parikh and Welch are not combinable

Welch discloses a system that forwards anonymous and unknown calls to a

voice mail system (column 4, line 36-65). In this disclosure a voice mail system sends an answer message. For example, the call party might record an announcement that will be played to the calling party. Welch also discloses forwarding calls to a number of predetermined destinations, such as directory number of a receptionist, or a directory number of uniform call distribution group or an automated call distribution number. In any form, the system disclosed in Welch forwards a call to some type of spoken user interface. However, the system disclosed by Parikh directly criticizes such systems (see column 2, lines 6-47). Parikh directly teaches away from spoken user interfaces stating that "it can be confusing to the subscriber". Parikh goes on to state that "a spoken user interface is disadvantageous in a noisy environment where the subscriber may be unable to hear spoken menu options. It is also disadvantageous in a quiet environment such as a meeting, where the subscriber may not want to have to listen to a menu" (column 2, lines 28-33). Because Parikh directly criticizes a system disclosed in Welch, these two may not be combined. It is the case that Parikh criticizes and discredits the solution in Welch. Since prior art references must be considered in their entirety, including disclosures that teach away from the claims, these two references are not combinable. MPEP 2141.02 VI

In addition, it appears that Welch relates to a wireline network. The proposed application acknowledges that such network having anonymous call features exist. Nonetheless, Parikh relates to a wireless network. Therefore, it is submitted that these teachings are not combinable.

The claims are patentably distinguishable over the cited references.

Even if the two references were somehow combined, the independent claims now include the language of determining if the call is an anonymous call by the at least one of the home location register and the service control point. The Examiner states that Welch determines if a call is an anonymous call. Even if this is the case, Welch would do so by accessing a line options database (see column 2, line 30-35). This does not disclose or even suggest using the home location register and/or the service control point as stated in the claims.

Parikh also does not disclose or suggest using the home location register and/or service control point in order to determine if a call is an anonymous call. As stated in column 4, lines 50-56, telephone calls are directed to the call management

system. The call management system then reads the caller id of the caller as well as call parameters (see column 5, lines 5-7). If the expected call id numbers are not in the proper call parameters, the call management application will assume that the call is anonymous or unknown (see column 5, lines 11-17, and column 7, lines 31-36). As shown, neither system nor the combination of the two determines if a call is anonymous by utilizing the home location register and/or service control point.

Because of the reasons stated above, independent claims 1, 12 and 23 are not unpatentable over Parikh in view of Welch. Likewise, all claims dependent thereon, including claims 4-6 and 15-17 are not unpatentable over Parikh in view of Welch.

The Examiner also rejected claims 2, 3, 7-11, 13, 14, and 18-22 as being obvious over Parikh in view of Welch, further view of Cook. However, the suggested portions of Cook do not cure the above-noted deficiencies of the combination of Parikh and Welch – whether or not other claim rejections may or may not be met by Cook. Therefore, these claims are not rendered obvious by the suggested combination of the three.

Indeed, as previously argued, if Parikh, Welch and Cook patents are somehow combined, the resultant combination would lack the functionality of determining if a call is an anonymous call by the at least one of the home location register and the service control point. As such, the suggested combination does not render the claims 2, 3, 7-11, 13, 14, and 18-22 obvious.

CONCLUSION


For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-23) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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Date




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